BOOTH, FRERET, IMLAY & TEPPER, P.C.

-ATTORNEYS AT LAW-

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August 2, 2002

Via Hand Delivery

Honorable Michael Powell Chairman Federal Communications Commission 445-12th Street, N.W., 8th Floor Washington, D.C. 20554 RECEIVED

AUG - 6 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Critical Spectrum Shortages for Broadcasts of Sports and News events; Spectrum Policy Task Force Proceeding; ET Docket No. 02-135

Dear Chairman Powell:

This office serves as a contact point for the **News and Sports Production**Coalition, which comprises representatives of broadcast networks, cable networks, local television stations, sports leagues, and video production companies (as well as trade associations whose members include those entities) actively involved in the production of sporting and news events for the benefit of American television viewers. The current participants in this coalition are as follows:

Broadcast Sports, Inc.

CBS Sports Operations

NBC Sports Operations

Fox Sports

Fox Group

NCTA

National Football League

Turner Sports, Inc.

The C-Span Networks

MSTV

NBC Washington

ESPN, Inc.

Broad-Comm, Inc.

ABC News

ABC Sports

Post-Newsweek Stations

NAB

RTNDA

The Golf Channel

Tribune Broadcasting

SBE

Fox News

The Coalition's concerns are with respect to spectrum shortfalls in the context of short-term, itinerant television newsgathering and reporting, and video coverage of live sporting events for the benefit of the viewing public. The attached letter, supported by each of the coalition members, speaks for itself.

No. of Copies rec'd OHL

Chairman Powell Page Two August 2, 2002

The Spectrum Policy Task Force is the proper entity to address these issues initially. However, the Commission has taken certain actions recently which have exacerbated the problems referenced in the attached letter. The Commission should not further reduce the spectrum available for stations in the Broadcast Auxiliary Service (BAS) and the Local Television Transmission Service (LTTS); it should not further expand eligibility categories for licensing in the BAS and LTTS allocations; and it should develop a policy for this and other spectrum that provides opportunities for short-term, itinerant newsgathering and video coverage of sporting events. This is especially urgent during the digital transition, which poses unique video production challenges.

The Coalition would appreciate the opportunity to present its concerns and proposed solutions on a formal basis at your convenience.

Yours very truly,

Christopher D. Imlay For the Coalition

Cc: All Coalition Members
All Commissioners
W. Kenneth Ferree
Roy J. Stewart
Edwin Thomas
Bruce Franca
Julius Knapp
Lauren M. Van Wazer

NEWS AND SPORTS PRODUCTION COALITION

July 31, 2002

Via Hand Delivery

Honorable Michael Powell Chairman Federal Communications Commission 445-12th Street, N.W., 8th Floor Washington, D.C. 20554

> Re: Critical Spectrum Shortages for Broadcasts of Sports and News events; Spectrum Policy Task Force Proceeding; ET Docket No. 02-135

Dear Chairman Powell:

The undersigned are representatives of broadcast networks, cable networks, local television stations, sports leagues, and video production companies (as well as trade associations whose members include those entities) actively involved in the production of sporting and news events for the benefit of American television viewers (collectively the "News and Sports Production Coalition"). The purpose of this letter is to summarize the regulatory difficulties under which members of the News and Sports Production Coalition operate in attempting to provide what the viewing public has come to expect from live newsgathering and reporting and sporting events using limited spectrum in the Broadcast Auxiliary Service (BAS). Our focus is on microwave video relay, wireless microphones, wireless RF cameras, and voice and data coordination channels at UHF.

Members of the News and Sports Production Coalition have for years incorporated new technology and efficient spectrum re-use techniques on a voluntary, cooperative basis in order to make maximum use of the BAS bands at 2, 2.5, and 7 GHz. Directional antennas, antenna polarization, minimum power, digital modulation schemes, and creative coordination techniques for sharing have been implemented by the video production community and the frequency coordinators of the SBE so that the limited bands allocated to BAS can be shared by all.

Nevertheless, given (1) recent reductions in the BAS allocation at 2 GHz (by reallocation of the 1990-2025 MHz segment); (2) the obligations placed on the video production community by the viewing public for real-time video at each hole at a golf match, or in-car cameras at NASCAR and other automobile races, for example, or for onscene coverage in the aftermath of a natural disaster; and (3) the saturation of the limited allocations for mobile newsgathering operations by news organizations for routine remote broadcast operation places impossible burdens on video production entities.

At this point, the BAS bands at 2, 2.5, and 7 GHz are saturated in all metropolitan areas. In major markets such as New York and Los Angeles, the 2 GHz band is shared by

twenty or more TV stations, networks and cable operators. An event such as a political convention, or a Grand Prix race or golf match <u>cannot</u> be accommodated through normal methods. Video production companies are forced to accomplish their tasks for the networks by use of channels "leased" from Aeronautical Flight Test Telemetry allocations pursuant to Special Temporary Authority; channels temporarily "borrowed" from ITFS licensees or the Amateur Radio Service for short periods, again by STA; and by use of Experimental licenses. The process is not dependable, is burdensome for the Office of Engineering and Technology's Experimental Licensing Branch (which is, incidentally, to be complimented for their superb response on a regular basis) and is in many cases a prohibitively expensive exercise, and requires the consent of licensees in other services, which is often not forthcoming. Preclusive interference is the inevitable result of further overcrowding of existing bands.

Advances in digital technology are not a solution to this problem, since digital technology is already incorporated in video production. Typical RF cameras use COFDM digital modulation, but the saving in bandwidth from that conversion has already been factored into the equation, and the limited allocations remain severely overcrowded. The channel bandwidth has been reduced thereby, but the number of channels is nonetheless far too small. There are no microwave channels with video bandwidth available in most markets across the United States for providing coverage of outdoor sporting events, or other newsworthy events such as political conventions, in the manner that the public has grown accustomed to viewing.

Furthermore, spectrum for wireless microphones, which operate in unused UHF television channels, has been reduced dramatically by use of those channels for DTV, the loss of UHF channels 60 to 69, and the imminent loss of UHF channels 52-60. The small guard bands remaining would not be enough by any means. The wireless microphone is one technology that may not necessarily benefit from a move to digital technology. A permanent allocation is required for these devices (which require power levels and field strengths in excess of those permitted for unlicensed Part 15 devices), so that they can be used in the future.

UHF communication channels to coordinate video operation are also inadequately accommodated by present Part 74 regulations. These channels, for sports and newsgathering, must be itinerant, and the rules must permit sufficient power to allow portable transceivers to cover an entire golf course, for example. There are too few such channels available, and the permitted Part 74 power levels are insufficient to be useful for coordination over the distances found at an automobile race track or golf course, for example.

Temporary operation is in this instance both the problem and the key to a solution. The Commission is presently studying the concept of secondary markets in spectrum (see WT Docket No. 00-230, presently pending) However, the present docket proceeding is conceptually too narrow to be of any utility to members of the News and Sports Production Coalition. The uses are of very short duration, in very limited geographic venues. Use of 8- to 10 MHz channel bandwidths in bands between 1 and 7 MHz

An additional issue relates to the regulatory administration of the Broadcast Auxiliary Service at the Commission. Presently, BAS policymaking is in something of a vacuum between the Media Bureau and Wireless Telecommunications Bureau, which administers the licensing function for BAS. The Band Manager concept has some potential application here, inasmuch as Band Managers can more readily accommodate short-term, itinerant, and occasionally unpredictable operation than can the Commission's staff.

Millions of Americans rely on, and have come to expect, high quality production in live sports and news events. Our ability to provide a good-quality product is in severe jeopardy and it is urgent that the Commission address the matter without delay. We would appreciate the opportunity to provide further information and demonstrations of the issues discussed herein to you and the Commission's staff at your convenience.

Yours very truly,

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Kon Angard

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SR. U.P., CRI SPORTS OPERATIONS

cc: Commissioner Kathleen Abernathy

Commissioner Michael Copps

Commissioner Kevin Martin

W. Kenneth Ferree

Roy J. Stewart

Edwin Thomas

Bruce Franca

Julius Knapp

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cc: Commissioner Kathleen Abernathy

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310-444-8222 Copied

K) FOX SPORKS

cc: Commissioner Kathleen Abernathy

Commissioner Michael Copps

Commissioner Kevin Martin

W. Kenneth Ferree

Roy J. Stewart

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Production Coalition. The uses are of very short duration, in very limited geographic venues. Use of 8- to 10 MHz channel bandwidths in bands between 1 and 7 MHz allocated to other services on a coordinated, engineered basis for temporary broadcast production can be done without disruption of ongoing operations by licensed services. This regulatory flexibility is critical to alleviating the spectrum shortages now suffered in the Television Broadcast and BAS services.

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ent, Engineering, Fox Group

cc: Commissioner Kathleen Abernathy Commissioner Michael Copps

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W. Kenneth Ferrce

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Yours very truly,

Daniel L. Brenner

Counsel for the National Cable & Telecommunications Association 1724 Massachusetts Avenue, N.W. Washington, D.C. 20036-1903 (202) 775-3664

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SO. YP BROADLASTAND & NEWVERK TV NATIONAL FOOTBALL LEAGUE

280 MEK AVE

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Yours very truly,

Bruce D. Collins

Corporate V.P. & General Counsel

The C-SPAN Networks

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Yours very truly,

David L. Donovas

President

Association for Maximum Service Television

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B. Robert Okun, VP, NBC Washington

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Edwin M. Durso

Executive Vice President, Administration

ESPN, Inc.

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Donald F. Colantonio

Director of Remote Operations

ESPN, Inc.

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cc: All Commissioners W. Kenneth Ferree Roy J. Stewart **Edwin Thomas** Bruce Franca Julius Knapp Lauren M. Van Wazer

Thomas Sugrue

Louis Libin, President Broad Comm, Inc.

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David Westin President, ABC News

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Howard Katz

President

ABC Sports

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Alan Frank, CEO, Post-Newsweek Stations, Inc.

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National Association of Broadcasters

1771 N Street, N.W. Washington, D.C. 20036

(202) 429-5430

cc: Commissioner Kathleen Abernathy
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President, RTNDA

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The Golf Channel

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Ira Goldstone

VP Engineering & Technology 5800 W. Sunset Blvd. Ste. 304

Los Angeles, CA 90028

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SOCIETY OF BROADCAST ENGINEERS, INC.

Christopher D. Imlav

Its General Counsel

cc: All Commissioners
W. Kenneth Ferree
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Warren Vandeveer

Vice President

Operations and Engineering